

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 4:22-cr-00416 SRC SRW
)	
GERARDO JAVIER MONTES,)	
)	
Defendant.)	

MOTION FOR PRETRIAL DETENTION AND HEARING

COMES NOW, the United States of America, by and through its attorneys, Sayler A. Fleming, United States Attorney for the Eastern District of Missouri, and Kyle T. Bateman, Assistant United States Attorney for said District, and moves the Court to order defendant detained pending trial, and further requests that a detention hearing be held three (3) days from the date of defendant's initial appearance before the United States Magistrate pursuant to Title 18, United States Code, §3141, et seq.

As and for its grounds, the Government states as follows:

The defendant is charged with multiple federal crimes that create a presumption that no conditions of bond can ensure the community's safety or reasonably assure the appearance of the defendant as required. Defendant is charged with Distribution of Child Pornography, Attempted Production of Child Pornography, and Cyberstalking in violation of Title 18, United States Code, Sections 2251(a), 2252A(a)(2), and 2261A(2)(B). The defendant faces a mandatory minimum term of imprisonment of 15 years on the production of child pornography count; a mandatory term of imprisonment of 5 years on the distribution of child pornography count; and enhanced penalties on the cyberstalking count due to the fact that the victim of his offense is a minor.

Title 18, U.S.C. Section 3142(e)(3) states that:

Subject to rebuttal by the person, it shall be presumed that no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of the community if the judicial officer finds that there is probable cause to believe that the person committed an offense . . . involving a minor victim under section . . . 2251..2252A(a)(2). . . .

The defendant cannot show that there is any condition or combination of conditions that will assure the safety of the community.

The defendant has an extensive history involving the sexual exploitation of minor females, including victim F.W. in the Eastern District of Missouri (14 years old), victim J.K. in Oklahoma (17 years old), victim K.F. in Texas (16 years old), victim P.R. in Hawaii (13 years old), and victim S.N. in California (26 years old). As part of this investigation, law enforcement has discovered that the defendant was also communicating with other, as yet identified, minor females. Several of these communications can be traced to the defendant visiting online messaging boards for depression and suicide. In other communications, the defendant pretended to be a young girl to encourage minor females to send sexually explicit images and videos.

Count I of the Indictment involves the defendant distributing an image of child pornography of victim J.K to minor victim F.W. This distribution was part of the defendant's grooming process to encourage victim F.W. to send images of herself. During an interview with law enforcement, the defendant admitted that he previously had an online relationship with victim J.K. wherein he sent gifts to her in exchange for sexually explicit images and videos. A forensic examination of the defendant's devices revealed numerous images and videos of child pornography involving victim J.K. In addition, the defendant exchanged some of these images and videos with others, and also provided identifying information about victim J.K. with such images and videos.

The defendant's communications with victim J.K. are similar to his communications with victim K.F. The defendant also admitted to sending gifts and sexual toys to victim K.F. On the defendant's devices were sexually explicit images and videos of victim K.F.

Counts II and III charge conduct that involves victim F.W., a 14-year-old minor female. The defendant began communicating with victim F.W. online on approximately December 6, 2021. In their online chats, victim F.W. told the defendant that she was 14 years old. Over the course of several weeks, the defendant convinced victim F.W. to send him images of herself. During the course of their online communications, the defendant repeatedly attempted to engage victim F.W. in sexually explicit conversations. When victim F.W. told the defendant that she no longer wanted to speak with him, the defendant threatened to send victim F.W.'s images to others online and to Missouri schools. The defendant told victim F.W. that if she did not send him sexually explicit images of herself, he would follow through with his threat. Victim F.W. refused. As a result, the defendant sent out victim F.W.'s images to others online, including with information about victim F.W., her location and her online profiles.

The defendant has no ties to the Eastern District of Missouri. He currently resides in Hawaii, and has previously resided in Texas. Beginning in approximately 2011, when the defendant was 20 years old and residing in Texas, he began a relationship with victim S.N., who was 15 years old and residing in California. In approximately 2017, victim S.N. told the defendant that she no longer wanted to be in a relationship with the defendant, he made a threatening post to victim S.N. on Facebook and began travelling to California with a gun. A family member was able to interdict the defendant and stop his travels.

The investigation revealed that the defendant used a Reddit account wherein he purported to be a female. Using this Reddit account, the defendant began communicating with victim P.R.,

who resides in Hawaii, through a “TeensMeetTeens” Reddit chat. In these communications, the defendant sent sexually explicit images of victim S.N. to victim P.R. wherein the defendant purported to be victim S.N. After sending these sexually explicit images, the defendant asked victim P.R. to send similar sexually explicit images of herself. Victim P.R. refused. The defendant also asked victim P.R. if she could sneak out and meet up with him. Victim P.R. refused.

Based on the foregoing, the Government respectfully recommends that the defendant be detained pending his trial. The defendant poses a serious danger to the community and there is a serious risk that he will flee.

WHEREFORE, the Government requests this Court to order defendant detained prior to trial, and further to order a detention hearing three (3) days from the date of defendant's initial appearance.

SAYLER A. FLEMING
United States Attorney

/s/ Kyle T. Bateman
KYLE T. BATEMAN, #996646DC
Assistant United States Attorney